IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.7426 OF 2004

1. Maharashtra Cricket Association,
a Trust .... .. Petitioner.

Vs

1. Satara District Cricket
Association and ors. .. Respondents

Mr P.K.Dhakephalkar with Mr G.S.Godbole, for the petitioner.

Mr B.D.Joshi, for respondent no.1.

Mr N.P.Deshpande, for respondent no.5.

Mr V.B.Naik, for respondent no.25.

CORAM : D.B.BHOSALE,J.

DATE : 21st September, 2004.

PC:

1. This petition is directed against the order dated 22.7.2004 rendered by the Deputy Charity Commissioner, Pune Region, Pune below Exhibit-67 in Scheme Application No.12/1986 under section 50-A(1) of the Bombay Public Trusts Act,1950.

2. I heard the learned counsel for the parties for quite some time. The learned counsel for the parties agree for modification of the bracketed portion of the operative part of the impugned order dated 22.7.2004. The bracketed portion reads thus :

"It is directed the present Managing Committee should take approval from the observers, incase of expenses of amount more than Rs.15,000/-."

Accordingly I pass the following order.

(i) Both the observers are entitled to attend every meeting of the Managing Committee for which notice and agenda of the meetings be given to them in advance. During the meetings, the observers are entitled to express their views/opinion and same may be considered by the Managing Committee and record the same in the minutes of the meeting. Needless to say that the observers shall not have a right to vote in the meeting.

(ii) The Managing Committee is entitled to carry out day-to-day functions and conduct regular activities of the M.C.A. which includes conducting various tournaments, selection of players, selection of venues and conducting the functions. While doing so, the Managing Committee will keep in view the observations made by this Court in the order dated 1.3.2004 passed in Writ Petition No.1465 of 2004 with W.P.No.1559 of 2004.

(iii) The Managing Committee shall not take major policy decisions, save and except with the consent of the two observers.

(iv) The Managing Committee will be entitled to incur usual expenditure on the tournaments. If the expenditure on any single item is likely to exceed Rs.50,000/-, the Managing Committee shall keep the observers informed well in advance. If the observers make any suggestion in that regard, the Managing Committee should respect their suggestions.

3. Parties are directed to appear before the Deputy Charity Commissioner, Pune Region, Pune on 28.9.2004 for further hearing of the scheme application no.12/1986. The Deputy Charity Commissioner shall dispose of the application as expeditiously as possible and preferably within six weeks from today. The Deputy Charity Commissioner shall proceed with the case as far as possible, on day-to-day basis. The aforesaid interim order shall remain operative till the disposal of Scheme Application No.12/1986 and Application No.50/2003 pending before the Dy.Charity Commissioner, Pune Region, Pune, and for a period of two weeks from the date of its disposal.

4. The rest of the order remains unaltered.

5. In view of the modification as aforestated, the observations made in the body of the impugned order which are inconsistent with this order shall render ineffective.

. An authenticated copy of this order may be made

available to the parties.

(D.B.BHOSALE, J.)